

**BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS
MINUTES**

DATE: NOVEMBER 2, 2004

TIME: 9:00 a.m. C.S.T

LOCATION: Cumberland Room
Ground Floor, Cordell Hull Building
425 fifth Avenue North
Nashville, TN 37247-1010

MEMBERS PRESENT: Harold Walker, Chair
Suzanne Meeks, Secretary
Jennifer Johnson, MD
Craig Laman
Palyce Jones
Katy Gammon
Mary Thomas

MEMBERS ABSENT: Mark Davis, Vice-Chair
Kathryn Wilhoit

STAFF PRESENT: Marva Swann, Unit Director
Ernest Sykes, Advisory Attorney
Robbie Bell, Director, Health Related Boards
Jerry Kosten, Regulations Manager
Elisha Hodge, Litigation Attorney

With a quorum being present, Mr. Walker called the meeting to order at 9:10 a. m.

Conflict of Interest

Mr. Sykes reviewed the Conflict of Interest Policy and reminded the Board members of their responsibilities under the policy. He clarified that there was no inherent conflict of interest for Ms Gammon to sit on the Board.

Agreed Orders/Contested Cases

Ms. Hodge presented a consent order for Mr. Moneyhun. Ms. Hodge explained to the Board that Mr. Moneyhun's facility received deficiencies from a state survey. A one (1) type c civil penalty was assessed in the amount of (\$75.00) which is to be paid within thirty (30) days from the date of the order. After much discussion from the Board a motion was made by Ms. Meeks and seconded by Ms. Thomas to accept the consent order. Ms. Gammon, Dr. Johnson, Ms Thomas

and Ms. Meeks voted to accept the consent order. Mr. Walker, Ms. Jones and Mr. Laman rejected the consent order. The motion carried.

Ms Hodge presented a consent order for Ms Smith. Ms. Hodge explained to the Board that Ms. Smith's facility received deficiencies from a state survey. A seven (7) type A civil penalties were assessed in the amount of (\$5,250.00). After much discussion the Board stated there was not enough information submitted to the Board to make a fair judgment in this case. A motion was made by Dr. Johnson and seconded by Ms. Thomas to accept the consent order. Mr. Walker, Ms. Meeks, Ms. Jones and Mr. Laman rejected the consent order. Ms. Gammon recused herself. The motion carried.

Because of the Board's concern regarding the lack of information they were given with respect to these cases, the Office of General Counsel withdrew the remaining cases to be presented before the Board which were those of Dorestin Turner, J David Marchant, and Crystal Williamson.

Shirley Correy, General Counsel, of the Office of General Counsel, introduced herself to the Board. She explained the consent order was a new form of informal settlement instituted in an effort to move cases ahead. She acknowledged the Board's concern and stated that the Office of General Counsel would review the process for future cases.

Rule-Making Hearing

Jerry Kosten presented a proposed rulemaking hearing regarding relocating rule language in order to provide clarification and require administrator-in -training with the preceptor to be in the facility. After discussion in which the Board wanted it to be stipulated in the rule that the preceptor must meet with the AIT face-to-face at an approved training facility. A motion was made by Mr. Laman to authorize a rulemaking hearing and seconded by Ms. Gammon. The motion carried.

Minutes

A motion was made by Mr. Laman and seconded by Ms. Thomas to approve the minutes of the August 3, 2004 board meeting with the correction that staff absent be corrected to indicate members absent. The motion carried.

Applicant Review/File Review

Robert Kraft—M. Kraft appeared before the Board to give an explanation of allegations from Washington State. A provisional Administrative license was granted at the last Heath Care Facility Board meeting. After discussion, a motion was made by Ms. Gammon to approve licensure and seconded by Ms. Meeks. The motion carried.

Valdeko Kreil—Mr Kreil was requesting reinstatement of licensure and was not present. It had been determined at the 4-30-90 meeting that he would have to appear before the Board before his license could be reinstated. In Mr Kreil's absence, no action was taken on this case.

Wendy Trimboli—Ms Trimboli appeared before the Board to give an explanation as to the length of time between internship and applying for licensure. A motion was made by Ms. Meeks and seconded by Ms. Thomas to approve. The motion carried.

Jeannie Barker—Ms. Barker appeared before the Board to give an explanation of her nursing home administrator experience and discuss the company's organizational chart. Ms. Barker was requested to submit five (5) additional continuing education hours. A motion was made by Mr. Laman and seconded by Ms. Gammon to approve Ms. Barker for licensure. The motion carried.

Selma Levay— Ms. Levay's is requesting for the Board to decrease her fees and continuing education hours to reinstate her license. Ms. Levay's licenses have been in a failed to renew status as of August 31, 1997. The Board explained that Ms. Levay was not placed on the sunshine notice and therefore the Board could not discuss or take any action on her license at this meeting. The Board requested for Ms. Levay to appear before the Board at the next meeting of March 7, 2005.

Sharon Baker—Ms. Baker is requesting approval to restart her A.I.T. program with a new preceptor and new facility. A motion was made by Mr. Laman and seconded by Mr. Gammon to approve. The motion carried.

New Administrator-In-Training Applicants

A motion was made by Mr. Laman and seconded by Ms. Gammon to approve the following A.I.T's. The motion carried.

Macy Bryant
Douglas Clanton

Linda Hill
James Spears

Administrator-In-Training Applicant Not Approved

Julie Roberts

A motion was made by Ms. Meeks and seconded by Mr. Laman to defer Ms. Julie Roberts application until the next Board meeting. The Board requested for Ms. Roberts to appear before the next Board meeting to give explanation of acceptable management experience. The motion carried.

NAB Exam Approval

Richard McCormick

Mr. McCormick is requesting approval to sit for the NAB exam. A motion was made by Ms. Meeks and seconded by Mr. Laman to approve Mr. McCormick for licensure. The motion carried.

Preceptor Application Approval

A motion was made by Mr. Laman and seconded by Ms. Thomas to approve the following preceptor applications. The motion carried.

Esmerelda Lee
Joe Lewis

Office of General Counsel Report

Mr. Sykes presented the OGC report in which he gave the status of the following rules:

- 1020-1-.15-*Disciplinary authority: order modification, order of compliance, assessment of costs*. Rule-making hearing was held on December 23, 2003. Received final approval from the Board on June 1, 2004, and sent to Attorney General's office on July 30, 2004 for review and final approval.
- 1020-1-.01, .06, .13- *Definitions; Preceptors, AITs and AIT Programs; Licensure Retirement and Reactivation*. Before the Board for initial authorization for rule-making hearing, to be held on January 20, 2005.

Mr. Sykes also presented for the Board's information a form that is to be promulgated by Health Care Facilities for advanced care directives. The form gives specific physician's orders based on the person's medical condition and wishes in regard to cardiopulmonary resuscitation, medical interventions, and etc.

Administrative Reports

Ms. Swann presented the statistical report which indicated the following:

Active Licensees – 752
Retired Licensees –759
Failed to Renew – 638

<i>Performance Measure</i>	<i>Goal</i>	<i>July – Dec 2003</i>	<i>Jan – June 2004</i>	<i>Average</i>
Renewal Processing Time	14 days	0.1 days	0.1 days	0.1
Application Processing Time	100 days	236 days	350 days	

The application processing time is directly relative to the length of the A.I.T. program and the success or lack thereof of the applicant and the examination process.

Projects In Progress

The 2002 continuing education audit shows ninety one (91) licensees were audited. 3.3% paid the civil penalty and submitted their continuing education certificates to the Administrative Office.

7.7% were sent to Investigations. 3.3% of the 7.7% that was sent to Investigations were closed. 89% met the c.e. requirements.

Discipline And Investigative Reports

Mr. Sykes presented the discipline report which indicated that there were 21 open cases as of September 30, 2004. New statistics will not be available until the final compilation for the year in December.

Disciplinary Guidelines

Ms. Bell explained the disciplinary guidelines chart. She stipulated that they are a guide only and are independent of a survey. She further stated that it is understood that the guidelines are to be used for the discipline of administration only. A motion was made by Dr. Johnson and seconded by Ms. Meeks to adopt the guidelines as presented. The motion carried.

Ratifications

New Licensee

Joshua Cannon	James Freeman, Jr.
Charles Gregory	Sara Hensley
Brad Hinton	Gary Hixon
David Minton	James Morrison
Ronald Nield	Catherine Ortega
Berrie Pate	John Wade
P. Elayne Wheeler-Poston	E. Berton Whitaker

Reinstatements

Keith Boyce
Janie McBride
Carla Trotter

Adjournment

There being no further business, the meeting was adjourned at 12:30 p.m.

KR/G3015195/NHAmin